



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 12, 2023

NOTICE OF HEARING

TO: Stacy R. Hegge, Attorney for Dakota Bay Dakota Bay c/o Michael Chicoine
Gunderson, Palmer, Nelson & Ashmore 32926 482nd Avenue
111 W. Capitol Ave., Suite #230 Jefferson SD 57038
Pierre SD 57501

Ann Mines Bailey, Assistant Attorney John M. Hines, Attorney for McCook Lake
General Recreation Area Association
1302 East Highway 14, Suite 1 Pierre Crary Huff Law Firm
SD 57501-8501 PO Box 27
Sioux City IA 51102

FROM: Ron Duvall, Engineer III
SD DANR, Water Rights Program

SUBJECT: Scheduling of Hearing on Water Permit Application No. 8744-3, Dakota Bay

Water Permit Application No. 8744-3, Dakota Bay was scheduled for hearing pursuant to the Notice of Application published in the Daily Press and Dakotan and the Leader-Courier on June 1, 2023. In response to the public notice, a petition in opposition was filed and a request for an automatic delay of the hearing. On June 20, 2023, Notice was given that the hearing was delayed pursuant to SDCL 46-2A-5 and that the Application would be rescheduled for hearing at a future date.

At the July 12, 2023 Water Management Board meeting, the Board directed that Application No. 8744-3 be rescheduled for hearing at 10:00 AM **(Central Time)** on August 2, 2023, at the Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave, Pierre SD. The time is an estimate, and the hearing may be delayed due to prior items on the agenda.

To accommodate any Board member who may be unable to attend the August 2, 2023 meeting in person, but who can attend via remote conference, any exhibits to be offered into evidence concerning the Application shall be provided to all parties and Ron Duvall at SD DANR, 523 E. Capitol, Pierre SD 57501 **no later than Friday, July 21, 2023**. Any person offering exhibits shall also have sufficient copies available at the hearing to provide to board members who are present at the hearing, legal counsels, and any other parties to the proceeding.

Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-4, the Board has legal authority and jurisdiction to conduct this hearing. Applicable provisions of the public notice published in the Daily Press and Dakotan and the Leader-Courier on June 1, 2023, still apply.

Notices, orders, and other pleadings filed in the matter of Water Permit Application No. 8744-3 are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>.

Questions regarding the hearing process may be directed to Ron Duvall, Water Rights Program at (605) 773-3352 or ron.duvall@state.sd.us.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated July 12, 2023, regarding scheduling of a hearing on Water Permit Application No. 8744-3, Dakota Bay, was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on July 12, 2023.

Stacy R. Hegge, Attorney
Gunderson, Palmer, Nelson & Ashmore LLP
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Pierre SD 57501
shegge@gpna.com

Dakota Bay c/o Michael Chicoine
32926 482nd Avenue
Jefferson SD 57038
mjchicoine24@gmail.com

Petitioner's legal counsel as follows:

John M. Hines, Attorney
Crary Huff Law Firm
PO Box 27
Sioux City IA 51102
jhines@craryhuff.com

Above also Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501
ann.minesbailey@state.sd.us



Ron Duvall
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12 day of July 2023.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029

